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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,302	09/26/2003	Atsushi Date	03500.017681.	5353
5514	7590	06/16/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			SHIN, CHRISTOPHER B	
			ART UNIT	PAPER NUMBER
			2182	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/670,302	<b>Applicant(s)</b> DATE, ATSUSHI	
	<b>Examiner</b> Christopher B. Shin	<b>Art Unit</b> 2182	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01212004</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. After careful examination of the written description and claims, the support/correlation of claims from the specification are difficult to find by the examiner, due to the varieties of inconsistent terms used in this application. The examiner kindly asks the applicant to provide support/correlation of the limitations of claims, to help the examiner to properly interpret claimed invention. For example, the applicant can specifically provide figure number, block number within the figure number, page and line numbers that support the limitations of claims – a system controller, CPUs, shared bus, memory units IO units, a bus, holding means, order control means, issue means, means for queuing a transaction, order control means, determination means & etc.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- a. In claim 1;
- i. In lines 2-4, it is unclear as to how the “CPUs”, “shared bus”, “system controller”, “a bus”, “controller”, “plurality of memory units” and “IO devices” are functionally and structurally interconnected in order to

perform separate transfer. Furthermore, it is unclear as to whether the "separate transfer" refers to a timing of a path(s). The same applies to the lines 16-17 of the "in parallel using plurality of connection paths".

ii. In line 5, it is unclear as to what the "comprising" refers to in terms of the functional and physical structure.

iii. In line 6, the intended meaning of "holding a CPU" is unclear from the context of the claim.

iv. In lines 7 & 9, the term "instruction" lacks proper and clear antecedent basis.

v. In line 8, the phrase "being suspended" is unclear as to what is being suspended.

vi. In claim 1, the overall structural and functional inter-couplings between the system controller, CPUs, shared bus, memory units, IO devices, bus, read instruction, read data return, holding means, new instruction destination of the instruction, order control means, issue order, read time, issue means and a plurality of connection path are unclear from the context of the claim 1.

b. In claim 3;

vii. In addition to the claim 1-vi, the further structural and functional inter-couplings of determination means and transaction are unclear from the context of the claim 3. The unclarities of the claim 3 are similarly applied to claims 4-5.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lenk et al. (6,178,493).

As best understood by the examiner, due to the numerous unclarities of the claims, the claimed invention is a plurality of CPUs connected through a bus for handling and managing read requests. Clearly the Lenk reference teaches the claimed invention. Therefore, the claimed invention is clearly anticipated by the teachings of the Lenk reference.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher B. Shin whose telephone number is 571-272-4159. The examiner can normally be reached on 6:30-5:00 M,Tu,Th,F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2182

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CHRISTOPHER SHIN  
PRIMARY EXAMINER  
OF 2182

June 7, 2005  
cbs

A handwritten signature in black ink, appearing to read 'Chris Shin', written in a cursive style.